

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMINAH A. AKBAR,

Plaintiff,

DECISION AND ORDER

03-CV-6626L

v.

THOMAS A. COUGHLIN, III, et al.,

Defendants.


On May 7, 2007, defendants in this *pro se* civil rights action filed a suggestion of plaintiff's death, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure. Dkt. #29. That rule provides, *inter alia*, that "[u]nless [a] motion for substitution [of a party] is made not later than 90 days after the [party's] death is suggested upon the record ..., the action shall be dismissed as to the deceased party."

More than 90 days have now elapsed since the suggestion of death was filed, and no motion for substitution has been filed, nor has any other activity occurred in this action. The action is therefore dismissed.

CONCLUSION

This action is dismissed pursuant to Fed. R. Civ. P. 25(a)(1).

IT IS SO ORDERED.


A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line. The signature is fluid and cursive.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 13, 2007.